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8 UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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11 THE LARYNGEAL MASK COMPANY, LTD.
12 and LMA NORTH AMERICA, INC.,

13 Plaintiffs,

14 v.

15 AMBU A/S, AMBU INC., and AMBU LTD.,

16 Defendants,

17 AND RELATED COUNTERCLAIMS.
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Case No. 3:07-cv-01988 DMS (NLS)
Jury Trial Demanded

**JUDGMENT OF INVALIDITY AND
NON-INFRINGEMENT OF U.S. PATENT
NO. 7,156,100 PURSUANT TO FED. R.
CIV. P. 54(B)**

1 Based on the Order Construing Patent Claims (Dkt. #171), the Order Granting Defendants'
2 Motion for Partial Summary Judgment of Non-Infringement (Dkt. #224), the Order Granting
3 Defendants' Motion for Summary Judgment of Patent Invalidity for Lack of Written Description
4 (Dkt. #476), and on the express determination that pursuant to Federal Rule of Civil Procedure
5 54(b), there is no just reason for delay, it is hereby **ORDERED AND ADJUDGED** that:

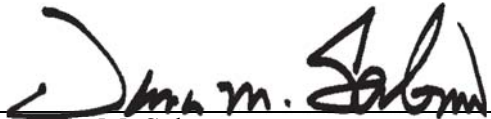
6 1. The AuraOnce™, Aura40™, and AuraStraight™ products made, used, distributed,
7 offered for sale and sold by Defendants and Counterclaimants Ambu A/S, Ambu Inc., and Ambu
8 Ltd. (collectively, "Ambu") do not infringe, directly or indirectly, either literally or under the
9 doctrine of equivalents, Claims 1 through 6 of United States Patent No. 7,156,100 (the "'100
10 Patent") asserted by Plaintiffs and Counter-Defendants The Laryngeal Mask Company Ltd. and
11 LMA North America, Inc. (collectively, "LMA");

12 2. All claims of the '100 Patent are invalid for lack of written description under 35
13 U.S.C. § 112;

14 3. As set forth in the Court's Order Granting Defendants' Motion for Summary
15 Judgment of Patent Invalidity for Lack of Written Description (Dkt. #476), no just reason exists to
16 delay the entry of final judgment on LMA's claim against Ambu for infringement of the '100
17 Patent; and

18 4. This final judgment is without prejudice to Defendants' counterclaims three
19 through seven.

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21 Dated: October 6, 2009



Hon. Dana M. Sabraw
United States District Judge